

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH CLIFFORD MALCOMB,)	
)	
Plaintiff,)	
)	Civil Action No. 11-1087
v.)	Judge Schwab
)	Magistrate Judge Eddy
CRAIG McKEAN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Joseph Clifford Malcomb (“Plaintiff”) is a state prisoner currently incarcerated at the State Correctional Institution at Greensburg, Pennsylvania (“SCI-Greensburg”). Plaintiff brings the instant lawsuit pursuant to the Civil Rights Act of 1871, 42 U.S.C § 1981, *et seq.*, alleging violations of his rights under the Constitution of the United States. (Doc. 3 at 1). Plaintiff’s complaint, along with attached motion for leave to proceed *in forma pauperis* (“IFP”), were received by this Court on March August 23, 2011. (Doc. 1). On August 24, 2011, Plaintiff’s motion was granted, and Plaintiff was ordered to authorize the withdrawal of funds from his inmate trust account. (Doc. 2). As of the date of this writing, Plaintiff has not complied with this order, nor has he sought an extension of time in which to do so.

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. The magistrate judge issued a report and recommendation on October 17, 2011, recommending that this case be dismissed due to Plaintiff’s failure to comply with court orders, and failure to prosecute. (Doc. 5). A copy of the R&R was mailed to Plaintiff at his address of record, and Plaintiff was given until October 31, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 5), the following ORDER is entered:

AND NOW, this 31st day of October, 2011,

IT IS HEREBY ORDERED that this case is DISMISSED, without prejudice.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 5) is adopted as the opinion of this Court.

BY THE COURT:

s/Arthur J. Schwab
ARTHUR J. SCHWAB
UNITED STATES DISTRICT JUDGE

cc:
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